

**TIER ASSIGNMENTS FOR NEW OR AMENDED OFFENSES  
PURSUANT TO 2023 LEGISLATIVE CHANGES**

Section 6.2 of the 2023 Guidelines for Determining the Length of Stay for Indeterminately Committed Juveniles (LOS Guidelines) grants the director of the Department of Juvenile Justice the discretion to “add new offenses, eliminate repealed offenses, or move offenses to alternative tiers in accordance with applicable legislative changes made by the Virginia General Assembly.” This language is intended to impact the appendix portion of the guidelines that assigns one of five offense severity tiers to each active Virginia Crime Code (VCC).

During the 2023 legislative session, the General Assembly enacted several new offenses. In accordance with these legislative changes, the department has assigned a tier to each new offense that aligns with the tiers assigned to similar offenses under the 2023 LOS Guidelines. These assignments are set out in the tables below. In some cases, the enactment of a new offense may have necessitated a change to an existing VCC or to the statutory structure of an existing offense that was not otherwise altered. These new VCCs and modified statutes also are provided on the table below, but the tiers for the underlying offenses have not changed. Finally, the General Assembly enacted several new offenses and enhanced several existing offenses that are not subject to commitment under current law. These offenses are not included on the tables below.

**TIER I OFFENSES**

OFFENSE	VCC	STATUTE
False emergency communication, results in a response*	JUS-4834-M1	18.2-461.1(B)
Marijuana advertisement, in violation of provisions*	MRJ-1923-M1	4.1-1116(B)
Assembly, movement, curfew violation*	ORD-9876-M1	15.2-925
Ride public transportation after prohibited*	TRS-5739-M1	18.2-160.2(B)

**TIER II OFFENSES**

OFFENSE	VCC	STATUTE
<b>CLASS 1 MISDEMEANORS</b>		
Simple assault on public transportation operator*	ASL-1362-M1	18.2-57(F)
Correctional facility, obtain video*	TRS-5740-M1	18.2-121.3(A,iii,b)
Correctional facility, drop item by drone*	TRS-5741-M1	18.2-121.3(A,iii,a)
Unmanned aircraft (UAS), used to peep or spy*	TRS-5742-M1	18.2-130.1(B)
Peep or spy into dwelling by electronic device	TRS-5747-M1	18.2-130.1(A)
<b>FELONIES</b>		
Publish name of LEO, judge, magistrate with intent to harass, etc.*	FRD-2540-F6	18.2-186.4
Tamper with GPS by conditionally released sex offender*	HEA-5559-F6	37.2-912(C)
Conspire retail theft aggregate value > \$5000 over 90 days*	LAR-2301-F3	18.2-103.1

<b>OFFENSE</b>	<b>VCC</b>	<b>STATUTE</b>
Excavates after notified of threat to safety of property*	PSC-8958-F6	56-265.24:1
Catalytic converter, unlawful purchase or sale*	VAN-0193-F6	18.2-146.1

### TIER III OFFENSES

<b>OFFENSE</b>	<b>VCC</b>	<b>STATUTE</b>
Strangulation resulting in wounding or bodily injury	ASL-1347-F6	18.2-51.6(A)
Suffocation resulting in wounding or bodily injury	ASL-1351-F6	18.2-51.6(B)
Sexual extortion*	EXT-2118-F5	18.2-59.1
False emergency communication, results in serious injury*	JUS-4835-F6	18.2-461.1(C)
Membership, use force or threats to encourage – school, etc.**	MOB-1284-F4	18.2-46.3(B,a)
Membership, use force or threats to encourage continued – school etc.**	MOB-1285-F4	18.2-46.3(B,b)
Felony, use force/threats to encourage person to commit -school etc.**	MOB-1286-F4	18.2-46.3(B,c)
Criminal street gang, third or subsequent conviction**	MOB-1297-F2	18.2-46.3:1
Fentanyl, weapon of terrorism*	TER-8011-F4	18.2-46.6

### TIER IV OFFENSES

<b>OFFENSE</b>	<b>VCC</b>	<b>STATUTE</b>
False emergency communication, results in a death*	JUS-4836-F5	18.2-461.1(D)
Abduction of minor*	KID-1024-F2	18.2-47(C)
Participation in crime for benefit/direction of gang-school, etc.**	MOB-1280-F4	18.2-46.2
Participation in crime for gang that includes juvenile – school, etc.**	MOB-1281-F3	18.2-46.2
Solicit, invite, recruit another for street gang – school, etc.**	MOB-1283-F5	18.2-46.3(A)
Participation in criminal act for benefit or direction of gang**	MOB-1291-F4	18.2-46.2
Participation in criminal act, predicate is act of violence	MOB-1299-F3	18.2-46.2(ii)

\*Denotes newly created offense by the General Assembly

\*\*Denotes change in penalty structure by the General Assembly